



Date of Council Meeting: January 13, 2014

**TOWN OF LEESBURG
TOWN COUNCIL WORK SESSION**

Subject: Clarification on Board and Commission Code Changes

Staff Contact: Jeanette A. Irby, Town Attorney

Recommendation: Direction from Council Required

Issue: Suggested Amendments to the Town Code

Fiscal Analysis: Changes to Boards and Commissions compensation would require an increase of \$24,000 to the FY 2015 budget. A change to the FY 2014 budget would be necessary if changes were to go into effect prior to July 1, 2014.

Background: Summary of suggested amendments (in no particular order):

1. Correction for scrivener's errors.
2. Addition of the SRTC into the Town Code.
3. Adjusting compensation for commissions other than the Board of Architectural Review, Planning Commission, and Board of Zoning Appeals.
4. Changing council liaison requirements to be at meetings at least once a quarter and talking with the chair monthly.
5. Making adjustments to the duties of the Technology and Communication Commission.
6. Extending the "no more than two committees" limitation from the SRTC to all of the commissions

These proposed amendments can be initiated at the Tuesday, January 14 Council meeting, and a public hearing to approve the amendment ordinance can be held at the January 28, 2014 Council meeting, if so desired.

Sec. 2-193. - Membership.

- (a)

Unless specifically noted, each board and commission shall consist of seven members who shall be residents of the town or town business owners (as allowed by law) and appointed by the town council.
- (b)

The term of board and commission members, unless specifically noted, shall correspond to the official tenure of the town councilmember term who nominated them, but shall continue after the end of the term until a replacement is appointed.
- (c)

An appointment to fill a vacancy shall be for the unexpired term.
- (d)

In all cases, not specified in state code, at least four members of any board or commission shall be residents of the town.
- (e)

A person may be a member of, at most, two boards, commissions, or committees.

(Ord. No. 2008-0-17, § XXIV(art. VII(2.87)(a)), 6-24-2008; Ord. No. 2010-O-015, § I, 6-22-2010)

Sec. 2-194. - Appointment process.

With the exception of the board of architectural review, the following procedure shall apply to appointment of individuals to the town boards and commissions.

- (1)

In the event of a vacancy, inclusive of the conclusion of regular terms, the clerk of town council shall advertise such vacancies. Submitted letters of interest and/or qualifications shall be forwarded to the town council.
- (2)

In the year of election newly elected or re-elected councilmembers, including the mayor, shall be encouraged to consider incumbent members of boards and commissions when determining their nominee.
- (3)

In the year of election, each newly elected or re-elected councilmember, including the mayor, nominates one person to each board or commission to fill vacancies.
- (4)

The town council shall vote to approve or disapprove the selection.
- (5)

Board members and commission members shall serve at the pleasure of the town council, except for members of the planning commission who pursuant to state law may only be removed for malfeasance and/or nonfeasance.

The following apply to all boards and commissions including the board of architectural review:

(6)

Should a vacancy occur, the council member who nominated that individual submits a replacement nominee.

(7)

Should a vacancy exist for more than 60 days, either at the expiration of a term or prior to the end of a term, the town council may accept replacement nominations from any council member.

(Ord. No. 2008-0-17, § XXIV(art. VII(2.87)(b)), 6-24-2008; Ord. No. 2010-O-015, § II, 6-22-2010)

Sec. 2-195. - Duties.

(a)

The board/commission shall elect its chair annually. The commission shall elect annually the officers it deems necessary. The commission is encouraged to hold elections between January and March.

(b)

The chair shall report any attendance problems to the town council, which has the authority to require a member to resign. Attendance problems include, but are not limited to, if the said member is absent from three consecutive meetings.

(c)

The board/commission shall meet monthly or more often as necessary upon the call of the chair or two or more members.

(d)

The board/commission shall provide at least annually a report to the town council on the activities and accomplishments of the board/commission.

(e)

The board/commission shall adopt rules/bylaws governing the conduct of its business and meetings.

(f)

The board/commission shall be knowledgeable of the requirements of the state Freedom of Information Act (Code of Virginia, § 2.2-3700 et seq.), State and Local Government Conflict of Interests Act (Code of Virginia, § 2.2-3100 et seq.) requirements, and the town's board and commission handbook.

(g)

Unless otherwise noted, all actions of boards and commissions shall be subject to town council approval.

(h)

The chair, or his designee, shall provide to the clerk of town council key events/actions from each meeting which shall be provided to town council in a summary format monthly reporting on board and commission activities.

(i)

The board/commission shall assist in and carry out such other duties as may be assigned by the town council.

(Ord. No. 2008-0-17, § XXIV(art. VII(2.87)(c)), 6-24-2008)

Sec. 2-196. - General meeting requirements.

(a)

A majority of the voting members of the board or commission shall constitute a quorum. The majority of votes necessary to take action or to transact business shall be a majority of those present and voting.

(b)

Meetings shall be open to the public under the state Freedom of Information Act (Code of Virginia, § 2.2-3700 et seq.).

(c)

Unless otherwise noted, all actions of boards and commissions shall be subject to town council approval.

(Ord. No. 2008-0-17, § XXIV(art. VII(2.87)(d)), 6-24-2008)

Sec. 2-197. - Compensation.

(a)

Compensation for the mayor and councilmembers, after July 1, 2013, shall be \$16,200 and \$15,600 per annum, respectively, payable in equal monthly installments.

(b)

Unless specifically noted; compensation ~~of~~ for the chair and members of boards, exclusive of the councilmanic liaison, shall be \$1500.00 and \$91200.00 per annum, payable in equal monthly installments.

(Ord. No. 2008-0-17, § XXIV(art. VII(2.87)(e)), 6-24-2008)

Sec. 2-198. - Councilmanic liaison.

(a)

At the biannual organizational meeting of the council, members may nominate a liaison to each board, ~~and~~ commission, and committee.

(b)

The role of the councilmanic liaison shall be as follows:

(1)

Councilmanic liaisons are non-voting members who provide a link between the board, ~~or~~ commission, or committee and the town council.

(2)

Councilmanic liaisons serve as resources for relating relevant town council actions to the board, ~~or~~ commission, or committee and for sharing relevant board or commission matters to the town council.

(3)

Councilmanic liaisons are encouraged to attend advisory group meetings and/or communicate regularly with group members and remain current on all activities of the advisory group so that they can be accessible to members or provide information on behalf of the town council.

(4)

Recognizing the numerous other duties and roles of councilmembers that may generate regular conflicts, councilmanic liaison attendance at board, ~~and~~ commission, and committee meetings is not mandatory for councilmembers, but liaisons are expected to attend meetings at least quarterly, and communicate monthly with the board, commission, or committee chair. ~~but if a councilmanic liaison is unable to attend a board or commission meeting, it is expected that the councilmanic liaison will use best efforts to find a substitute council member to attend in his or her stead.~~

(Ord. No. 2008-0-17, § XXIV(art. VII(2.87)(f)), 6-24-2008; Ord. No. 2010-O-015, § III, 6-22-2010)

Secs. 2-199—2-219. - Reserved.

Sec. 2-220. - Leesburg Board of Architectural Review.

(a)

Recreated and reestablished. The Leesburg Board of Architectural Review is hereby recreated and reestablished.

(b)

Purpose. The purpose of the Leesburg Board of Architectural Review shall be to administer the provisions of the zoning ordinance relating to historic districts and to advise the town council in its efforts to preserve and protect historic structures and sites within the town.

(c)

Compensation.

(1)

Compensation of the chair of the Leesburg Board of Architectural Review shall be \$3,750.00 per annum, payable in equal monthly installments.

(2)

Compensation of members of the Leesburg Board of Architectural Review, exclusive of the councilmanic appointment, shall be \$3,600.00 per annum, payable in equal monthly installments.

(d)

Membership, powers, and duties. Membership, powers, and duties of the Leesburg Board of Architectural Review are outlined in zoning ordinance section 2.3.

(Ord. No. 2008-0-17, § XXIV(art. VII(2.90)), 6-24-2008)

Sec. 2-221. - Leesburg Economic Development Commission.

(a)

Recreated and reestablished. The Leesburg Economic Development Commission is hereby recreated and reestablished.

(b)

Duties. The Leesburg Economic Development Commission's mission is to foster the economic vitality and stability of the town. The commission works to retain/expand existing businesses, attract/recruit desirable new businesses, to review the town's regulations and procedures as they relate to economic development, and enhance economic activities that will benefit local businesses and residents.

(c)

Membership. Membership, exclusive of the rules exclusive of the rules outlined in division 1 of this article, membership may consist of town residents, town property owners, town business owners, or anyone employed inside the town. At least four members shall be town residents.

(d)

Additional powers and duties. Additional power and duties of the Leesburg Economic Development Commission shall be to assist in development of townwide special events through coordination with the Leesburg Parks and Recreation Commission.

(Ord. No. 2008-0-17, § XXIV(art. VII(2.93)), 6-24-2008)

Sec. 2-222. - Leesburg Environmental Advisory Commission.

(a)

Recreated and reestablished. The Leesburg Environmental Advisory Commission is hereby recreated and reestablished.

(b)

Duties. The Leesburg Environmental Advisory Commission's mission is to promote and protect the environmental interests of the town. The Environmental Advisory Commission reviews town planning and policy documents as they relate to the

environment, conducts an annual environmental awards program, and advises the town council on town environmental concerns.

(c)

Additional powers and duties. The following shall be additional powers and duties of the Leesburg Environmental Advisory Commission:

(1)

To review significant town planning and policy documents periodically and provide recommendations on updating its environmental element as needed.

(2)

To identify and pursue sources of funds for implementation of the commission's goals.

(3)

To administer an annual environmental awards program for conservation and beautification projects and other environmentally responsible efforts, encouraging business and citizen participation.

(4)

At the request of the planning commission concurrently review plans for development (e.g., rezoning or special exception plans) for potential environmental impacts and provide comment to the planning commission for incorporation within the planning commission's comments on the plans.

(5)

To internally conduct or recommend to the town council commissioning of studies that address the town's environmental concerns.

(6)

To interface with representatives of the town and/or neighboring jurisdictions to collect information on environmental issues of interest to the town.

(7)

To initiate, facilitate, plan, direct and/or coordinate community-wide efforts that are supportive of the commission's goals. Such efforts may include coordination with local volunteer, private, and government organizations.

(8)

To otherwise promote public interest in the general improvement of the environment.

(Ord. No. 2008-0-17, § XXIV(art. VII(2.94)), 6-24-2008)

Sec. 2-223. - Leesburg Executive Airport Commission.

(a)

Recreated and reestablished. The Leesburg Executive Airport Commission is hereby recreated and reestablished.

(b)

Commission duties. The Leesburg Executive Airport Commission oversees rules and regulations at the town executive airport. The commission makes recommendations to the town council and the airport director to ensure effective and efficient administration of the airport.

(c)

Membership. Membership, exclusive of the rules outlined in division 1 of this article, membership on the executive airport commission may consist of town residents, town property owners, town business owners, or anyone employed in the town. An additional member shall be appointed by the county board of supervisors to serve a two-year term and shall serve as the liaison to the county board of supervisors.

(d)

Additional powers and duties. The following shall be additional powers and duties of the executive airport commission:

(1)

Review all requests for services, leases and proposals for airport developments originated with or directed by the commission, and refer the commission's recommendations to the town manager for implementation or to the town council if required by law.

(2)

Maintain a continuous oversight and review of the airport rules and regulations and make recommendations from time to time to the town manager for proposed amendment of the airport rules and regulations and to the director for the effective and efficient administration of the airport rules and regulations.

(3)

Prepare and maintain a capital improvement plan for development of the airport.

(4)

Make recommendations concerning the adoption of rules governing operations at the airport as are necessary and appropriate.

(5)

Review and make recommendations to the town council of proposed annual budgets for airport improvements and operations.

(6)

Make recommendations to the town council on development and utilization of land and commercial operations at the airport, including leases thereof.

(7)

Perform such duties and have such powers as prescribed by the airport rules and regulations.

(8)

Make recommendations to establish rates of charge for services provided by the department, such as aircraft tiedown, hangar and other rents, fuel and lubricant charges and landing fees.

(9)

Maintain liaison with county offices to promote implementation of appropriate land use controls affecting the airport.

(10)

Initiate timely actions with both the Federal Aviation Administration, state department of aviation and the state corporation commission, division of aeronautics, to provide priority support to proposed improvement or expansion of the airport.

(11)

Conduct public surveys and meetings, as appropriate, to aid in planning improvements and acquiring public support for the airport.

(Ord. No. 2008-0-17, § XXIV(art. VII(2.88)), 6-24-2008)

Sec. 2-224. - Thomas Balch Library Commission.

(a)

Recreated and reestablished. The Thomas Balch Library Commission is hereby recreated and reestablished.

(b)

Duties. The Thomas Balch Library Commission serves as advisors to the library director on collection development and policies and report to town council about their activities. It helps publicize Thomas Balch Library, sponsor the Annual Loudoun History Awards, and work with Friends of the Thomas Balch Library, Inc., to promote and support programs and collections.

(c)

Membership. Membership, exclusive of the rules outlined in division 1 of this article, membership may consist of anyone with a stated interest in the Thomas Balch Library. The town council shall also appoint a member of the board of supervisors as a member of the Thomas Balch Library Commission whose term shall correspond to the official tenure of office as supervisor. The Thomas Balch Library Commission shall consist of seven members, and not less than four members shall be residents of the town.

(d)

Additional powers and duties. The following shall be additional powers and duties of the Thomas Balch Library Commission:

(1)

To assist in marketing the Thomas Balch Library.

(2)

To encourage and coordinate efforts of private fundraising, donations to the collection, completeness and protection of the collection, and effectiveness of the facility.

(Ord. No. 2008-0-17, § XXIV(art. VII(2.89)), 6-24-2008)

Sec. 2-225. - Leesburg Parks and Recreation Commission.

(a)

Recreated and reestablished. The Leesburg Parks and Recreation Commission is hereby recreated and reestablished.

(b)

Duties. The Leesburg Parks and Recreation Commission advises the town council on the acquisition, development, funding and programming of the parks and recreation system throughout the town. The commission also encourages public support of the town's parks and recreational activities, events, programs and facilities.

(c)

Additional powers and duties. The following shall be additional powers and duties of the Leesburg Parks and Recreation Commission:

(1)

To make general policy recommendations to the town council with respect to the acquisition, development, funding and programming of a parks and recreation system throughout the town.

(2)

To advise the town council with respect to the acceptance of any grant, gift, bequest or donation of real property offered or made available for public recreation purposes.

(3)

To identify and pursue sources of funds, grants, gifts and donations for parks and recreation activities and facilities.

(4)

To advise the town manager with respect to annual proposed funding for parks and recreation facilities and activities submitted to the town council.

(5)

To promote parks and recreation activities, special events, and programs.

(6)

To serve as liaison between the town council and board of supervisors to ensure that Leesburg ~~citizens~~ residents receive county recreation facilities and services comparable with the level of need and services made available to other parts of the county.

(7)

To remain acutely aware of the latest developments and trends in parks and recreation development and service delivery.

(Ord. No. 2008-0-17, § XXIV(art. VII(2.95)), 6-24-2008)

Sec. 2-226. - Leesburg Planning Commission.

(a)

Recreated and reestablished. The Leesburg Planning Commission is hereby recreated and reestablished pursuant to the provisions of Code of Virginia, § 15.2-2210.

(b)

Duties. The Leesburg Planning Commission shall advise the town council on all matters relating to the orderly growth and development of the town. Additional information relating to the role and powers of the Leesburg Planning Commission are covered in zoning ordinance section 2.2.

(c)

Membership. All members of the Leesburg Planning Commission shall be residents of the town, with the majority being property owners. All members are strongly encouraged to complete the Virginia Certified Planning Commissioner course within 18 months of their appointment, if not already certified.

(d)

Compensation.

(1)

Compensation of the chair of the Leesburg Planning Commission shall be \$3,750.00 per annum, payable in equal monthly installments.

(2)

Compensation of members of the Leesburg Planning Commission, exclusive of the councilmanic appointment, shall be \$3,600.00 per annum, payable in equal monthly installments.

(3)

Members of the Leesburg Planning Commission shall be reimbursed for actual expenses incurred in the exercise of their functions.

(e)

Additional powers and duties. Additional powers and duties of the planning commission are outlined in section 2.2.3 of the zoning ordinance.

(Ord. No. 2008-0-17, § XXIV(art. VII(2.96)), 6-24-2008)

State law reference— *Planning commissions, Code of Virginia, § 15.2-2210.*

Sec. 2-227. - Leesburg Commission on Public Art.

(a)

Recreated and reestablished. The Leesburg Commission on Public Art is hereby recreated and reestablished.

(b)

Duties. The Leesburg Commission on Public Art serves to support the development of a public art program and the expansion of public access to and participation in the arts, in the town and as an advisory body for the public art in the town.

(c)

Additional powers and duties. The following shall be additional powers and duties of the Leesburg Commission on Public Art:

(1)

To advise the town council concerning appropriate policies that will strengthen the arts and further public access to public art with the ultimate approval of a public art project resting with the town council;

(2)

Administration of all activities concerning public art which are not conducted as part of a regularly scheduled town program, including:

a.

To recommend and periodically review criteria and standards for grant applications for town funds and accountability for the use of such funds; and

b.

To recommend allocation to particular arts activities from such funds as may be appropriated from time to time by the town council for such purpose;

(3)

To seek national, state and private support on behalf of the arts in the town.

(Ord. No. 2008-0-17, § XXIV(art. VII(2.92)), 6-24-2008)

Sec. 2-228. - Leesburg Technology and Communications Commission.

(a)

Created and established. The Leesburg Technology and Communications Commission is hereby established and created.

(b)

Powers and duties. The Leesburg Technology and Communications Commission makes recommendations to the town council for the efficient, economical, and productive use of technology and telecommunications for the town's citizens residents and businesses.

(c)

Additional powers and duties. The following shall be additional powers and duties of the Leesburg Technology and Communications Commission:

(1)

To make recommendations regarding the operation, staffing, maintenance, capital improvements and funding of the department of information technology.

(2)

To maintain a continuous oversight and review of cable system operations and advise the town on grantee's compliance with the terms of its contract.

(3)

~~To encourage the use of access channels among the widest range of institutions, groups and individuals and to monitor grantee's access policies and practices, including charges for these services, to ensure compliance with chapter 9, article X of this Code.~~

(4)

~~To develop and maintain a town technology plan including~~ To encourage and make recommendations on efficient, economical and productive the on utilization and enhancements to the town's use of technology and public access communications media, especially utilizing cell phones, the Internet, and other computer-based technologies. ~~channels and Internet websites.~~

(Ord. No. 2008-0-17, § XXIV(art. VII(2.99)), 6-24-2008)

Sec. 2-229. - Leesburg Tree Commission.

(a)

Recreated and reestablished. The Leesburg Tree Commission is hereby recreated and reestablished.

(b)

Duties. The Leesburg Tree Commission vision is to provide leadership to enhance, expand and preserve the tree canopy for the benefit of the community. The commission is dedicated to promoting tree preservation and planting within the town, providing a healthy, diverse tree canopy, and ensuring an aesthetic quality of life for all citizens.

(c)

Additional powers and duties.

(1)

The Leesburg Tree Commission shall recommend tree preservation and enhancement ordinances.

(2)

The Leesburg Tree Commission shall disseminate technical information for professional groups and developers, and shall strive to inform the general public of the community need for tree preservation.

(3)

The Leesburg Tree Commission shall advise the town council in the development and maintenance of the policies, standards and guidelines of the town code and zoning ordinance which will provide guidance for persons involved in planting, preserving, protecting or replacing trees (tree management program).

(4)

The Leesburg Tree Commission shall act as an advocate group to increase the tree canopy in the community by assisting in coordinating the efforts of the town council and private groups such as homeowner's associations.

(5)

The Leesburg Tree Commission shall promote programs that educate citizens about trees and their benefits and assist in choosing appropriate trees and sites for planting.

(6)

The Leesburg Tree Commission shall develop a capital tree management program for the public and private sector.

(Ord. No. 2008-0-17, § XXIV(art. VII(2.97)), 6-24-2008)

Sec. 2-230. - Leesburg Utility Rate Advisory Committee.

(a)

Recreated and reestablished. The Leesburg Utility Rate Advisory Committee is hereby reestablished and recreated.

(b)

Duties. The Leesburg Utility Rate Advisory Committee serves to advise the town council on the establishment of utility rates for the town's water and sewer utilities.

(c)

Compensation. Members of the Leesburg Utility Rate Advisory Committee shall not receive compensation.

(d)

Members. In addition to seven appointed members as outlined in division 1 of this article, the Leesburg Utility Rate Advisory Committee shall have three additional out-of-town customers as members appointed by the town council and shall serve for [a] term of two years.

(e)

Meetings. The Leesburg Utility Rate Advisory Committee shall hold the number of meetings it sees fit in order to accomplish its powers and duties.

(f)

Additional powers and duties. The following shall be additional powers and duties of the Leesburg Utility Rate Advisory Committee:

(1)

To annually review the relevant information provided by staff necessary for the establishment of utility rates.

(2)

To make recommendations to town council on utility rates no later than January 31 of each year.

(Ord. No. 2008-0-17, § XXIV(art. VII(2.98)), 6-24-2008; Ord. No. 2011-O-006, § I, 3-8-2011)

Sec. 2-231. - Leesburg Board of Zoning Appeals.

(a)

Recreated and reestablished. The Leesburg Board of Zoning Appeals is hereby recreated and reestablished.

(b)

Compensation. Compensation of members of Leesburg Board of Zoning Appeals shall be \$100.00 per meeting attended.

(c)

Membership; powers; and duties. All aspects of the membership, powers, duties, and authority of the Leesburg Board of Zoning Appeals are outlined in zoning ordinance section 2.4.

(Ord. No. 2008-0-17, § XXIV(art. VII(2.91)), 6-24-2008)

State law reference— Board of zoning appeals, Code of Virginia, § 15.2-2308 et seq.

Sec. 2-232. – Standing Residential Traffic Committee

(a)

Duties. The Standing Residential Traffic Committee serves to provide recommendations to the Town Council for residential traffic calming, pedestrian safety, and other issues regarding traffic and transportation.

(b)

Compensation. Members of the Standing Residential Traffic Committee shall not receive compensation.

(c)

Members. In addition to seven appointed members as outlined in division 1 of this article, the Standing Residential Traffic Committee shall have five additional

members, including one each from the Public Works Department, Leesburg Police, Fire & Rescue, Planning Commission, and a Town Planner, nominated from their respective organizations. No person may serve as more than one representative at one time. The Town Council shall ensure that all Town quadrants are represented among Town representative on the Committee. All Town representatives shall be town residents.

(f)

Additional powers and duties. The following shall be additional powers and duties of the Standing Residential Traffic Committee:

(1)

Evaluate traffic calming requests and issues forwarded by town staff.

(2)

Determine, when needed, the level of resident support for proposed traffic calming projects.

(3)

Forward recommendations on residential traffic management to the Town Council.

(4)

Respond to other requests for recommendations on traffic or transportation issues referred to the Committee by the Town Council.

Secs. 2-232—2-273. - Reserved.